IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE THIRD DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.4068 OF 2006

Between:

Konkati Anasurya & Anr. … Petitioners

Versus

The Special Dpeuty Collector, (Tribal Welfare)

Eturnagaram village & Mandal,

Warangal district & Ors. … Respondents

Counsel for the Petitioners: Sri A. Prabhakar Rao

Counsel for the Respondents: GP for Revenue

O R D E R :

The case of the petitioners is that they are in possession and enjoyment of the land to an extent of Acs:2-00 guntas in survey no.117/1/361 situated at Rajupet village, Narsampet Mandal, Warangal district.

The first petitioner is the owner of the said land and the petitioners 1 and 2 have constructed a Para Boiled Rice Mill. While so, the first respondent initiated proceedings under section 3 (i) of the AP Schedule Areas Land Transfer Regulation Act, 1959 as amended in 1970 by Regulation NO.1 of 1959 and thereafter the first respondent has passed orders for resumption of the land along with the said rice mill in favour of the Government for eventual assignment made in favour of Scheduled Tribe Society.

As against the order dated 18-6-2005 passed in Case No.A/LTR/88/2/2004 passed by the Special Deputy Collector (Tribal Welfare), Eturnagaram, the petitioners filed an appeal under section 3 (a) (iii) of A.P. Scheduled Area Land Transfer Regulation of 1959 before the Project Officer (Agent to the State Government), I.T.D.A.,

Eturnagaram-second respondent on 24-8-2005 along with the application for grant of stay of the orders passed by the first respondent dated 18-6-2005 in Case No.A/LTR/88/2/2004 but no orders have been passed till date.

Having regard to the facts and circumstances, without expressing any opinion on the merits of the case, as the main appeal is pending before the second respondent, I consider it appropriate that pending disposal of the appeal, the respondents are directed not to resume the land as well as the structure raised thereon i.e., Para Boiled Rice Mill. Further the second respondent is directed to consider and dispose of the appeal and pass appropriate orders on merits and in accordance with law, after affording reasonable opportunity of hearing the petitioners and till then ***statusquo*** as on today shall be maintained.

With the above direction, the writ petition is accordingly disposed of at the admission stage. No costs.

MARCH 3rd, 2006. ----------

I s L. **V. ESWARAIAH , J**.

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